

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**August 27, 2008**

**DIVISION ONE**

B203183      Los Angeles County, D.C.S.      (Not for Publication)  
                 v.  
                 Ana R.

The juvenile court's orders are affirmed.

Rothschild, J.

We concur:    Mallano, P.J.  
                 Neidorf, J. (Assigned)

B195416      Winfred D.      (Certified for Publication)  
                 v.  
                 Michellin North America, Inc., et al.

Filed order modifying opinion. Petition for rehearing is denied. (No  
change in the judgment)

DIVISION TWO

B197700 Brenner, et al. (Not for Publication)

v.

Encino-Tarzana Reginoal Medical Center

We reverse summary judgment. The Brenners shall recover their costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.

Doi Todd, J.

B204437 Los Angeles County, D.C.S. (Not for Publication)

v.

Toni S.

The juvenile court order terminating mother's parental rights to the minors is reversed and the matter is remanded to the juvenile court with directions that the juvenile court shall direct DCFS to comply with the notice provisions of the ICWA. If the minors are determined to be Indian children, a new hearing shall be held. If they are determined not to be Indian children, the order terminating parental rights shall be reinstated, subject to the juvenile court's consideration of any circumstances that may have arisen during this appeal that may affect the outcome. The juvenile court's order issuing a permanent restraining order against mother is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.

Doi Todd, J.

## DIVISION TWO (continued)

[illegible]

The order appealed from is affirmed but remanded for the juvenile court to exercise its discretion pursuant to section 702 and, if necessary, recalculate the period of confinement.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.  
Ashmann-Gerst, J.

B201326      Harrington, as administrator, etc  
v.  
Saladino, as public administrator, etc.

Filed order certifying opinion for publication.

## DIVISION THREE

B204136 People (Not for Publication)  
v.  
Tucker

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

August 27, 2008 (Continued)

### DIVISION THREE (continued)

B198832 People (Not for Publication)

V.

Coleman

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

B205272      Ebony J. and Keaun C.      (Not for Publication)

V.

Los Angeles County, D.C.F S.

The order from which Mother has appealed is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

DIVISION FOUR

B199931 People (Not for Publication)

V.

Mendoza

The judgment is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.  
Suzukawa, J.

## DIVISION FOUR (continued)

B196197 People (Not for Publication)

V.  
Hernandez et al.

The sentence as to each appellant imposed under section 186.22, subdivision (b)(1)(C) is reversed. In all other respects, the judgments are affirmed. With respect to appellant Hernandez, the matter is remanded and upon remand, the trial court is directed to strike the section 186.22, subdivision (b)(1)(C) enhancement and to prepare and forward to the Department of Corrections and Rehabilitation an amended abstract of judgment. With respect to appellant Lopez, the matter is remanded for resentencing on all counts, including redetermination whether concurrent or consecutive sentencing is appropriate.

Manella, J.

We concur: Epstein, P.J.  
Suzukawa, J.

B200326      Rojas      (Not for Publication)

v.  
Department of Animal and Control of Los Angeles county et al.

The judgment is affirmed. Respondents shall have costs on appeal.

Manella, J.

We concur: Epstein, P.J.  
Suzukawa, J.

## DIVISION FOUR (continued)

B201422      Sambile      (Not for Publication)  
v.  
Aguila et al.

The judgment and the order of dismissal are reversed. The trial court is directed to vacate the judgment and order, to enter a new judgment against Zenaida Aguila in the amounts shown by the evidence, and to give appellant the opportunity to proceed as to Michael Aguila in accordance with the views expressed in this opinion. Appellant may recover costs on appeal upon application in the trial court pursuant to California Rules of Court, rule 3.1700(a)(2).

Manella, J.

We concur: Willhite, Acting P.J.  
Suzukawa, J.

## DIVISION FIVE

B201759 Jun Lu (Not for Publication)  
v.  
Shu Qi

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Mosk, J.  
Kriegler, J.

DIVISION FIVE (continued)

B194462      Uniwill L.P.                      (Not for Publication)  
                 v.  
                 City of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur:   Turner, P.J.  
                 Mosk, J.

B199007      People                                      (Not for Publication)  
                 v.  
                 Yakub Lagundoye

The count four identity theft conviction is ordered stayed pursuant to section 654. The count eight grand theft conviction is conditionally reversed, and the matter is remanded to the trial court for the hearing on the statute of limitations claim as contemplated by People v. Williams, supra. If after such a hearing it is determined that there is no statute of limitations violation, the trial court is ordered to reinstate the conviction. There is no change to the total sentence. The judgment is affirmed in all other respects.

Armstrong, J.

We concur:   Turner, P.J.  
                 Mosk, J.

DIVISION SIX

B202503      Chaleff, et al.,                      (Not for Publication)

v.

Runkle, et al.,

The judgment of dismissal is affirmed. Costs on appeal are awarded to respondents.

Coffee, J.

We concur:   Gilbert, P.J.  
                    Perren, J.

B196287      People                                      (Not for Publication)

v.

Lopez

The judgment is affirmed.

Coffee, J.

We concur:   Gilbert, P.J.  
                    Perren, J.

DIVISION SEVEN

B203903      People                                      (Not for Publication)

v.

K.H.

The order under review is affirmed.

Zelon, J.

We concur:   Woods, Acting P.J.  
                    Jackson, J.

## DIVISION SEVEN (continued)

B197555 People (Not for Publication)  
v.  
McCreary

The cause is remanded for resentencing to allow the trial court to consider whether to impose the gang enhancements on counts 3, 5 and 7 or strike one or more of those enhancements under section 186.22, subdivision (g). In all other respects, the judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.  
Zelon, J.

B207748      Ramon R.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
Los Angeles County, D.C.F.S.

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits.

Jackson, J.

We concur: Perluss, P.J.  
Woods, J.

B205676 People (Not for Publication)  
v.  
Gonzalez

The judgment is affirmed.

Jackson, J.

We concur: Woods, Acting P.J.  
Zelon, J.

August 27, 2008 (Continued)

## DIVISION SEVEN (continued)

B199212 People (Not for Publication)  
v.  
McCallum

The judgment is affirmed.

Jackson, J.

We concur: Perluss, P.J.  
Woods, J.

B197340 People (Not for Publication)  
v.  
Black

The judgment is affirmed.

Jackson, J.

We concur: Perluss, P.J.  
Woods, J.

B203702      Shuwa Investments Corp. (Not for Publication)  
v.  
Ryo Sato

The order is affirmed.

Jackson, J.

We concur: Woods, Acting P.J.  
Zelon, J.

DIVISION SEVEN (continued)

B203901      In re Nadia A., a Minor                      (Not for Publication)  
                 v.  
                 Los Angeles County, D.C.F.S..  
                 Traci T.

The order is affirmed.

Jackson, J.

We concur:   Perluss, P.J.  
                 Zelon, J.

DIVISION EIGHT

Court convened at 9:11 a.m.

Present: Cooper, P.J., Rubin, J., Bigelow, J. and Emma Jean Amos, Deputy Clerk.

Each of the following:

B199711 People v. Bradley  
B204758 People v. Abraham C.  
B201973 People v. Martin  
B203279 People v. Darrett  
B204587 DCFS v. Nanette D.  
B202429 People v. Butler  
B204932 DCFS v. Terrence L.

Argument waived, cause submitted.

B198224      Murray  
                 v.  
                 Ney et al.,

Appearances:  
Michael J. Perry for appellant and Perry Roshan-Zamir for respondent.  
Argument waived, cause submitted.

Flier, J. assumes to the bench.

DIVISION EIGHT (continued)

B200552      Kao  
                 v.  
                 Dryden

Merits:  
Argued by George Kao, appellant appearing in propria persona and Wayne S. Dryden for respondent. Cause submitted.

B200995      Lauryn Burnett  
                 v.  
                 Gerardo Reyes

Merits:  
Argued by Mary Jones for appellant and by David J. Morris for respondents. Cause submitted.

B198866      Washington Mutual Mortgage Securities Corp.,  
                 v.  
                 McQuire Holdings, Inc.,

Merits:  
Argued by Timothy Hanigan for appellant and by Andrea Y. Slade for respondent. Cause submitted.

Rubin, J. left the bench.

B197962      Steven J. Ruben A.P.C.,  
                 v.  
                 Ronald Makarem, A.P.C.,

Merits:  
Argued by Barry P. King for appellant and by Anthony M. Altman for respondent. Cause submitted.

DIVISION EIGHT (continued)

B195725     Watanabe  
              v.  
              Blue Shield of California

Merits:  
Argued by Sharon Arkin for appellant and by Gregory Pimstone for  
respondent. Cause submitted.

B201363     People  
              v.  
              Williamson

Oral argument continued to September 30, 2008, at 9:00 a.m.

B199087     People  
              v.  
              Jimmy P.

Oral argument continued to October 1, 2008, at 9:00 a.m.

B203542     People  
              v.  
              Devonte J.,

Matter ordered off calendar.

Court adjourned.

August 27, 2008 (Continued)

## DIVISION EIGHT (continued)

[illegible]

The judgment is reversed, on the following conditions. On remand, the trial court shall review in camera the requested records, in conformity with this decision, with respect to Deputies Doty and Patterson. If there is discoverable evidence, the trial court shall disclose it to appellant, and if appellant can show prejudice, the court shall order a new trial. If there is no discoverable evidence, or if appellant cannot establish prejudice, the court shall reinstate the judgment.

Cooper, P.J.

We concur: Rubin, J.  
Flier, J.